

REMARKS

Applicants respectfully request reconsideration of the above-referenced U.S. Patent application as amended herein. No claims have been cancelled or amended. Claims 8-11 have been added. Thus, claims 1-11 are pending.

Claim Rejection - 35 U.S.C. § 102(b)

Claims 1-3, 5, and 7 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 4,554,417 issued to Boyer (*Boyer*). For at least the reasons set forth below, Applicant submits that claims 1-3, 5, and 7 are not anticipated by *Boyer*.

The Manual of Patent Examining Procedure ("MPEP"), in § 2131, states:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Thus, under 35 U.S.C. § 102, a claim is anticipated *only if* each and every element of the claim is found in the cited reference and the cited reference must show the invention in as complete detail as contained in the claim.

Independent claims 1 and 5 recite:

...eliminating, after a predetermined training period, all echo cancellors that produce a cancellation signal below a predetermined threshold.

Thus independent claims 1 and 5 recite a system and method for canceling echoes over a communications channel that includes "eliminating, after a predetermined training period, all echo cancellors that produce a cancellation signal below a predetermined threshold."

The Office action states that *Boyer* may be cited for teaching the above-quoted claim limitations at column 3, line 38 through column 4, line 21, wherein *Boyer* states:

Control unit 16 operates to generate switch control signal SW for controllable switching, in accordance with an aspect of the invention, the relative positions of adaptive echo cancellers 10 and 12 in the tandem connection.

Column 3, lines 38-42. The cited passage of *Boyer* states that control unit 16 operates to switch “the relative positions of adaptive echo cancellers 10 and 12.” As illustrated in figure 1 of *Boyer*, echo cancellers 10 and 12 are connected in series with each other. Switches 13, 14, and 15 merely operate to reverse the order of echo cancellers 10 and 12. Thus, when signal SW is low (normal condition) echo canceller 12 receives signal $Y(k)$ as an input and echo canceller 10 receives the output of echo canceller 12 as an input. When SW is high, the order of echo cancellers 10 and 12 reverses and echo canceller 10 receives $Y(k)$ as an input and echo canceller 12 receives the output of echo canceller 10 as an input.

In contrast, Applicant claims, “**eliminating**, after a predetermined training period, all echo cancellers that produce a cancellation signal below a predetermined threshold.” Applicant respectfully submits that the cited passage of *Boyer* does not disclose, “**eliminating**, after a predetermined training period, all echo cancellers that produce a cancellation signal below a predetermined threshold.” Applicants note that, while the *order* of echo cancellers 10 and 12 is reversible, both echo cancellers are in the disclosed circuit regardless of the value of SW. Since *Boyer* does not disclose the above-stated claim limitation, Applicant respectfully submits that *Boyer* does not anticipate claim 1 or claim 5.

Claims 2 and 3 depend from claim 1 and claim 7 depends from claim 5. For at least the reason that dependent claims include the limitations of the claims from which they depend, Applicant respectfully submits that claims 2, 3, and 7 are not anticipated by *Boyer*.

Claim Objections

Claims 4 and 6 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 4 depends from claim 1 and claim 6 depends from claim 5. For at least the reasons stated above, Applicant respectfully submits that claims 1 and 5 are not anticipated by *Boyer*. Applicant, therefore, respectfully submits that the objection to claims 4 and 6 be withdrawn.

Conclusion

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 1-11 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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